

UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re JERRY THOMAS MOORE)		
)		
Application No. 09/636,731)	Appeal No.	2005-0271
)		
Filed: August 10, 2000)		
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ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for April 7, 2005. The notice setting the hearing was mailed to counsel on February 25, 2005. The date counsel received the notice is not apparent from the record. On March 7, 2005, a facsimile letter was received wherein counsel requested that the oral hearing be rescheduled. The request has been granted.

According to counsel:

Appellant . . . requests that the Oral Hearing . . . currently scheduled for Thursday, April 7, 2005, at 1:00 P.M. (EDT) be rescheduled for another day. Appellant also requests that [counsel] be permitted to participate in the hearing via telephone.

[Counsel] will be unable to attend the hearing by telephone that day, as he is flying from San Diego and Indianapolis with his three children on April 7, 2005, and he

is scheduled to be in flight at the time of the presently scheduled hearing at 1:00 PM Eastern time. This flight has been scheduled for more than two months and this is his children's spring break.

It is unlikely that [counsel] will be able to attend in person at any time because of the costs of travel; therefore, participation by telephone is respectfully requested.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a date after April 7, 2005, is granted, and that a new date for the oral hearing will be sent to counsel. Upon confirmation of the new date for the oral hearing, applicant may then request that it be conducted telephonically.

No further request for postponement will be permitted.

Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS AND INTERFERENCES

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CRAIG R. FEINBERG

Program and Resource Administrator (571) 272-9797

Carl A. Forest, Esq. Patton Boggs LLP 1660 Lincoln Street Suite 2050